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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,384	12/21/2001	Eric White	VIGN1210-5	1142

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SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

EXAMINER	
WILLETT, STEPHAN F	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,384	WHITE ET AL.	
	Examiner	Art Unit	
	Stephan F. Willett	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/3/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC ∋ 103

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 1038 and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over McBrearty et al. with Patent Number 6,744,452 in view of Flom with Patent Number US 2001/0054087.

2. Regarding claim(s) 1, McBrearty teaches caching local content based on user preferences. McBrearty teaches receiving a request from a user via a web browser on a network, col. 7, lines 14-16. McBrearty teaches determining a user's preference with an automatic detection algorithm, col. 9, lines 38-40, and as "or on a[n automatic] prompt", col. 9, line 39. McBrearty teaches dynamically generating sensitive content (DGSC) from a template and DGSC

based on preferences, col. 9, lines 26-31, and as "the user's preference is read and a determination is made whether to use the cached file", col. 9, lines 35-36. McBrearty teaches if the template is cacheable, generating a file name for the DGSC as searching the directory for the filename which is located in cache, not on the Internet with a different name of address, col. 9, lines 40-42 so the location of the file can be differentiated, or a file name as "cached web page" indicator, col. 9, lines 13-17. McBrearty teaches caching the DGSC in a directory to be served in response to subsequent requests, col. 9, lines 42-44. McBrearty teaches serving the DGLSC to the user's computer, col. 9, lines 44-46. McBrearty teaches the invention in the above claim(s) except for explicitly teaching locale preference if locale is read to mean geographic location with regard to the preferences, algorithm, content and the filename. In that McBrearty operates to generate service requests with a network, the artisan would have looked to the network preference arts for details of implementing location specific preferences. In that art, Flom, a network server, teaches "determining a location of a user", para. 0013, lines 2-3 in order to provide relevant data. Flom specifically teaches "delivering a ... content package ... based on ... automatically based on geographic location", para. 0013, lines 8-13. Further, Flom suggests "location sensitive streaming", para. 0034 , lines 5-6 will result from implementing his display system. The motivation to incorporate location sensitive information as preferences for content, an algorithm and a filename insures that information is more relevant to a user. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the location information into these areas as taught in Flom into the web display system described in the McBrearty patent because McBrearty operates with location related preference information in these areas and Flom

suggests that optimization can be obtained with geographic locations. Therefore, by the above rational, the above claim(s) are rejected.

Response to Amendment

2. Applicant's arguments with respect to the rejection(s) of the claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

1. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

2. Applicant suggests the template or a page "may be marked a cacheable" and "will be cached" but "is a template that generates content", Paper Filed 7/5/05, Page 2, lines 18-20 and "that is caches", page 5, lines 28. An applicant can be their own lexicographer, however such definitions must be reasonable and provided in the specification. Based on these statements, it is not clear what "cacheable template" means. It is also unclear what is cached. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

3. Applicant suggests "McBearty does not appear to teach either dynamically generated local-sensitive content, or generating content based upon a user's locale preference", Paper Filed 7/5/05, Page 5, lines 17-19. However, clearly McBeary teaches "the user's preference is read and a determination is made whether to use the cached file[locale]", col. 9, lines 35-36. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

4. Applicant suggests "McBearty recites searching [by a local cached filename] for a cached files in a user's browser cache", Paper Filed 7/5/05, Page 6, lines 3-4. The file is located in

cache by its local cache file name, as claimed. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

5. Applicant suggests "different language versions", Paper No. 6, Page 6, lines 12-14. The above argument is not commensurate with what is presently claimed and therefore will not be considered at this time. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. The other references cited teach numerous other ways to format a web browser, thus a close review of them is suggested.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

4. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

sfw

September 30, 2005

Andrew Caldwell

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER